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UNDERSTANDING THE LOGIC OF REBEL RESTRAINT ON LANDMINE USE[1]

By Henrique Garbino [Uppsala University]

Non-state armed groups (NSAGs)[2] have become the most frequent users of landmines and the main drivers of new landmine contamination. Often portrayed as the "perfect soldier" due to their low cost, easy availability, and high lethality, landmines have become the weapon of choice of many rebel groups. An initial assessment by Geneva Call reported that, in 2005, at least sixty rebel groups in twenty-four countries had used mines.[3-5] In contrast with state governments, rebels have considerably less incentives to comply with existing humanitarian norms.[6] Engaging them in restricting or renouncing the use of landmines remains one of the most pressing practical obstacles toward a mine-free world.

Anecdotal evidence suggests that the use of landmines and other explosive devices varies significantly in the level of restraint exercised by NSAGs. Some rebel groups indiscriminately lay mines irrespective of potential collateral damage,[4] some directly target civilians,[7] and others restrict themselves to command-detonated devices against government forces.[8] Still, some NSAGs have committed to the total ban on landmines and others engage in mine action activities in one way or another.[9] This wide difference in behavior raises the question: *What explains variation in rebel restraint on landmine use?*

Restraint on landmine use can be divided into two components. First, *landmine use* reflects the different categories in which landmines are employed, namely in *strategy, type of device, trigger mechanism, location, frequency,* and *information-sharing*. Second, *restraint* entails the deliberate behavior to restrict the use of violence. Civilians are victimized by unrestrained violence either by direct one-sided violence or by collateral damage from the conflict. Therefore, landmine use should vary depending on a given NSAG's restraint behavior.

Significant academic attention has been devoted to the causes and dynamics of violence against civilians. However, scholars have given much less emphasis on explaining the cases when violence does not happen, i.e., cases of restraint and compliance to humanitarian norms.[10] Throughout this article, restraint is defined as deliberate actions limiting the use of violence,[11] while compliance takes the meaning of adherence to humanitarian norms, more specifically to International Humanitarian Law (IHL).[6] Because IHL explicitly calls for restraint in the use of violence, it is often hard to distinguish the two concepts both in practice and in theory. Even though the literature on both concepts will be addressed in this section, it is worth noting that restraint can be exercised without compliance to humanitarian norms, such as when it is addressed only to specific groups.

This article aims to enhance the understanding of different incentives and dynamics at play on rebel behavior. Insights on this field could inform government authorities, civil-society organizations, and advocacy groups when engaging with NSAGs.

RESTRAINT ON LANDMINE USE

Previous scholarship has addressed the logic of violence and restraint for different patterns of violence against civilians, such as indiscriminate violence, genocide and ethnic cleansing, and gender-based and sexual violence.[12] Similarly, scholars have concentrated on explaining compliance to humanitarian norms, with a focus on child soldiering and the protection of prisoners of war, aid workers, and other categories of non-combatants. While some scholars have developed theoretical frameworks that could be generalized to other contexts, only a small number of authors have developed theoretical explanations of rebel restraint on landmine use.[13,14] However, meaningfully contributing to the scarce literature on this topic, these authors adopt a rather narrow measure of restraint as commitment and compliance to a total ban on landmines.

Inherently indiscriminate weapons, anti-personnel landmines aim not to kill but maim the enemy, so that the wounded and agonizing soldier would further consume the enemy's resources and decrease their morale. Coupled with its secretive and unpredictable nature, landmines are highly effective in creating a permanent condition of uncertainty and fear. Whether they are placed to directly target civilians or are left as remnants of war, landmines can cause significant harm to civilians and disrupt the social fabric of affected communities. In addition to the physical harm leading to death and permanent disabilities to survivors, psychological trauma, fear, and stress are widespread in mine-affected populations. Communities also suffer collectively by restricted access to livelihoods, key infrastructure, water sources, and are either forced to move or impeded to return to their homes.[15]

Given its nature, landmine use considerably differs from other forms of violence against civilians, such as indiscriminate or sexual violence. First, landmine use entails significant logistic and coordination capabilities. It follows that landmine use should reflect some strategic, rather than opportunistic, reasoning. Second, due to their static nature, landmines bring about geographically localized effects, meaning that landmines are more likely to affect specific groups depending on where they are placed. Third, most landmines remain active long after conflicts have ended, when virtually all mine victims

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Variable	Indicators	Variation	Violence against civilians	Collateral damage	Level of restraint
Restraint on landmine use	*strategy*	nuisance	direct	accepted	low
		economic gain	direct	accepted	low
		defensive	indirect	accepted	moderate
		offensive	indirect	avoided	high
	type of device	booby-trap	direct	accepted	low
		anti-personnel mine	indirect	accepted	moderate
		anti-vehicle mine	indirect	avoided	high
	trigger mechanism	victim-activated	indirect	accepted	moderate
		command-detonated	indirect	avoided	high
	location	civilian targets	direct	accepted	low
		populated areas	indirect	accepted	moderate
		military targets	indirect	avoided	high
		unpopulated areas	indirect	avoided	high
	frequency	frequent	indirect	accepted	moderate
		sporadic	indirect	avoided	high
	markings	unmarked minefields	indirect	accepted	moderate
		marked minefields	indirect	avoided	high
	direct restraint	terror tactics	direct	accepted	low
		no restraint policy	indirect	accepted	moderate
		restraint policy	indirect	avoided	high

Table 1. Conceptualization of rebel restraint on landmine use.
All graphics courtesy of the author.

are non-combatants. Accounting for this longstanding and usually delayed effect on civilians requires long-term perspective and strategic thinking. Fourth, civilians may be either the direct target of mines or the collateral damage of the fighting; however, even in the latter case, armed groups should have accepted the risk of civilians falling victims of their mines.

Having said that, existing theories need to be adapted or reframed when examining landmine use; but it is first necessary to conceptualize what restraint on landmine use is and how it can vary.

Strategy. Factors such as the level of power asymmetry, the phase of the conflict, the extent of territorial control, the availability of landmines, and the knowledge in producing improvised explosive devices (IEDs) may all influence the strategy behind the use of landmines. A Geneva Call report identified four main strategies guiding mine use, namely *defensive, offensive, economic gain,* and *nuisance mining*.[4] In *defensive* strategies, landmines aim to deter an enemy attack and restrict access to particular areas or routes of military value. Among NSAGs, landmines are used for defensive purposes or for slowing down the movement of enemy troops. Mines may also be laid following a defensive rationale for the protection of the group's constituency, family members, or key individuals.[4] Landmines also serve an *offensive* strategy when their goal is to kill or maim the opposing force, such as to block escape routes during ambushes and counter-attacks, or in direct targeting of government forces or individuals.[4] When employed under an *economic gain* strategy, mines do not serve any direct military purpose but economic interests. Landmines are often laid to protect an important source of revenue such as coca crops in Latin America or diamond and gold mines in sub-Saharan Africa. However, in some cases, NSAGs may use landmines to directly extract revenues from the population, such as charging road tolls.[4] Other types of mine use that serve no direct military or economic purpose are sometimes labelled *nuisance mining*. This strategy has been used to disrupt access to key infrastructure. Landmine use that is aimed deliberately at civilians in order to empty territories, deny use of basic facilities, displace communities, isolate regions, or simply spread terror also falls under this category.[4]

Type of device. Landmines may serve different purposes depending on their main target. The most common types of landmine are *anti-personnel* and *anti-vehicle*, which are respectively designed to detonate by the presence, proximity, or contact of a person or vehicle. Although not considered landmines, the so-called *booby traps* are explosive devices disguised as otherwise harmless objects. Although other types of mines exist, this study is restricted to anti-personnel and anti-vehicle mines, and booby traps, which are the focus of the main treaties and are arguably more disruptive to civilian life than other types of explosive devices. In this regard, it is implied that rebel groups demonstrate different levels of restraint, depending on which type of device is mostly used. The use of anti-vehicle landmines implies a higher level of restraint, while the use of anti-personnel landmines and booby traps implies lower levels of restraint.

Trigger mechanisms. Mines and other explosive devices can be activated by a wide variety of trigger mechanisms, such as pressure,

pull, tension release, or pressure release.[16] In relation to civilian harm, however, what matters most is whether the explosive device is *victim-activated* or *command-detonated*. Regardless of the exact type of trigger mechanism, civilians face significantly more risk if the device is *victim-activated*, that is, if the device is designed to detonate by the victim only, without any external action. *Command-detonated* explosive devices, conversely, are monitored and set off by an operator at a chosen moment, thus avoiding unnecessary collateral damage.[16] This does not mean that command-detonated devices present no risk whatsoever to civilians, as they can be used to directly target civilians, and, in case of failing to detonate, they are left as explosive hazards threatening the population.[17] Regarding the use of landmines and other explosives devices, restraint is thus higher for command-detonated devices and lower for victim-activated devices.

Location. The location of landmines depends mostly on their strategic use. However, in comparison with government forces, NSAGs often have less capacity to lay large quantities of mines, and, instead of large and coherent minefields, NSAGs tend to place mines in smaller, more precise locations.[18] Rebel groups are also more likely to deploy landmines more indiscriminately and near civilian-dense areas.[19] It follows that whether landmines are laid in areas with higher or lower risk to civilians can thus indicate different levels of restraint by rebel groups.

Frequency. The frequency in the use of landmines varies significantly among NSAGs. While some employ mines as their weapon of choice, others use them only sporadically, given a specific "need" or context in the conflict.[4] Again, frequency may also be subject not to a specific strategy or policy, but to contextual factors, such as group capacity, access to landmines, conflict dynamics, among others. Nonetheless, restraint on landmine use can also be demonstrated by the frequency that rebel groups lay mines or other explosive devices. It follows that, without considering other contextual factors, the lower the frequency of use, the higher the level of restraint.

Information-sharing. When compared to professional militaries, NSAGs are less likely to follow international marking standards[20] for their minefields.[9] For civilians, this means increased risk of inadvertently walking through minefields and increased costs in future mine clearance. Likewise, rebel minefields usually do not follow conventional patterns.[18,19] In 2006, at least thirty NSAGs had engaged in some kind of information-sharing or mine risk education to affected communities.[9] Therefore, restraint on landmine use is reflected by whether minefields and mined areas are marked, and on how information about them is recorded and shared.

Direct restraint. In addition to restraint in relation to the *use* of landmines, direct forms of restraint can also be found on the *non-use* of landmines. Direct restraint can be exercised by rebel groups in codes of conduct, internal policies, trainings, and doctrines, as well as in unilateral declarations and ceasefire or peace agreements. For example, the Colombian National Liberation Army's code of conduct explicitly mentions the duty to inform civilians of the location of mined areas.[21,22] Conversely, some rebel groups might not formally restrict their use of landmines but do so in practice. Other groups, however, might use landmines and other explosive devices in a virtually unrestrained way.

Taking into account how landmine use relates to violence against civilians, and, thus, restraint, Table 1 summarizes the conceptualization of rebel restraint on landmine use.

EXPLAINING VARIATION IN RESTRAINT ON LANDMINE USE

Current theories on restraint range from rationalist to sociological approaches. In one instance, restraint may be the product of a rational examination of different economic, political, and military interests. Armed groups consider factors such as reputation with their constituency and other stakeholders (e.g., international community), as well as the military advantage of having certain weapons or employing tactics.[23] Alternatively, restraint may be influenced by organizational factors, such as military culture, and both formal and informal socialization mechanisms.[24] Recent research found that NSAGs' behavior towards violence or restraint is the product of their sources of authority, beliefs, traditions, and the group members themselves.[11] Finally, contextual factors could lead to a lesser exercise of violence but not necessarily mean genuine restraint. Because this study is ultimately intended to understand the reasons of restraint, it is important to point to *what restraint is not*.

CONTEXTUAL FACTORS

Not all NSAGs are able to employ landmines, and reduction in landmine use does not mean genuine restraint was employed. A common example is the seasonal use of landmines, which are only seldom laid during winter due to frozen soil and heavy snowfall.[25] The systematic use of landmines requires significant logistic capability and group cohesion; therefore, an NSAG with decreased group capacity could display reduced use of landmines.[11] Likewise, decreased access to landmines and other explosive components, as well as technical expertise in production of handmade mines or IEDs, will limit landmine use. Finally, landmine use may be reduced due to evolving conflict dynamics, as NSAGs experiencing major victories are more likely to reduce landmine use.[4] Unrestrained behavior may also be subject to other dynamics, even if the rebel leadership is committed to limit the use of violence. Reasons for unrestrained behavior and noncompliance include conflicting military training and doctrine,[26] absence of political training,[27–30] and problems in leadership and command and control.[31]

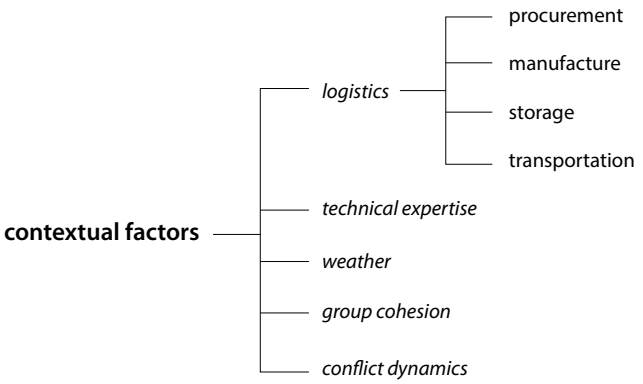

Figure 1. Contextual factors influencing reduction in landmine use.

STRATEGIC INCENTIVES

Although seemingly counterintuitive, landmine use may inflict significant *military and economic costs* on rebels. First, rebels are constantly victimized by their own mines, either during the production of improvised devices, when laying landmines, or unwillingly activating them after they have been laid. NSAGs largely underreport their own casualties due to the rebels' interests in portraying the image of a professional and cohesive group. However, the National Democratic Front in Myanmar stated that up to 80 percent of its handmade mine manufacturers died when assembling improvised landmines.[32] Likewise, the Sudan People's Liberation Movement's Army (SPLM/A) is believed to have suffered significant casualties from their own mines.[33] In these cases, exercising restraint on landmine use is a matter of safety and morale for the rebel group's own ranks, continuity of operations, and the group's very survival.

Second, particularly in the cases where NSAGs hold control of territory, using landmines in the land rebels are fighting for entails an inherent contradiction, as mine contamination and future mine clearance might be excessively costly.[34] Furthermore, NSAGs may be economically dependent on the revenues of the land, in which case denying access to it with landmines would decrease their revenues. Thus, it is expected that rebels would avoid contaminating productive land in their own territory.

A second category of strategic incentives of restraint are *political and reputational costs*. Landmine use can influence how NSAGs are perceived by their constituency and other domestic and international audiences. Civilian support has long been considered a central determinant of civil war outcomes,[35] as civilians provide recruits, food, information, and safe hiding places. It follows that dependence on civilian support creates restraint on the level of one-sided violence,[36] as well as incentives to protect the armed group's constituency.[37] Under a similar logic, de la Calle[38] argues that civilian victimization is driven by rebel strength, in the sense that weaker rebels would seek civilian support.

Furthermore, local communities are particularly vulnerable to landmines and other explosive devices. An NSAG in Myanmar, for instance, has allegedly changed their mine use policy after realizing that up to 30 percent of mine victims came from the rebels' own ethnic group.[32] As a direct consequence of victimization by landmines, local communities could decrease support to the armed group.[34] It is possible that the affected communities would demand the NSAGs to restrict their use of landmines and demine certain areas, as observed in Colombia[39] and Senegal.[40]

Civilian victimization also entails significant reputational costs to other domestic and international audiences, particularly towards human rights-conscious audiences.[6] Abiding to a shared legal framework—such as international law—plays in favor of rebel groups' perceived political legitimacy. Exercising restraint on landmine use, therefore, entails compliance to international (and sometimes domestic) law[6,19,41] and could increase the likelihood of external support, political participation, and leverage in negotiations. As an example, Herr found that SPLM/A adhered to the landmine ban due to transnational pressure and fear of legitimacy loss.[42]

Likewise, compliance with IHL may ensure practical and legal securities to rebels, in particular to the leadership, such as granting the legal status of combatants and reciprocity in treatment by government forces.[6] Accordingly, a recent study led by Gleditsch shows that decisions to commit to a landmine ban, by both governments and NSAGs, are mutually dependent.[13] Likewise, Fazal and Kovaev have demonstrated that militarily strong groups seeking international recognition are more likely to commit to a landmine ban.[14,43] Their argument focuses on reputation costs and benefits of compliance to international norms in comparison to the military utility of landmines and other methods of war.

Similarly, rebel leaders may fear criminal indictment for ordering the use of anti-personnel landmines. A report has found that rebel groups are more likely to exert restraint on landmine use in countries where the use of landmines and other similar victim-activated explosive devices has been criminalized by domestic law.[4] The effectiveness of criminal justice in fostering compliance, however, is still debated.[44]

It is worth noting that the aforementioned strategic incentives are interconnected. Political and reputational costs may have direct impact on material support from both the rebel group's constituency and domestic and international audiences, thus compounding to military and economic costs. Similarly, decreased military efficiency could lead to decreased political support.

MORAL INCENTIVES

Restraint may also derive from genuine commitment to humanitarian principles, whether they are based on *humanitarian norms* or the group's own *values, beliefs,* and *traditions*.

Indiscriminate violence is condemned in virtually all cultures, so it is expected that armed groups should avoid unnecessary civilian casualties, unless otherwise justified. Moral obligation has been found to influence decision-making even over material costs and strategic interests.[45]

Sanín and Wood explore the ideology of shaping rebel violence and restraint,[46] and find that specific ideological and religious motivations can further influence increased restraint and compliance to humanitarian norms.[47] The Islamic Emirate of Afghanistan (commonly referred to as the Taliban), for instance, officially considered the use of landmines "an un-Islamic and anti-human act," which "would be punished in accordance with Islamic Law."[48] Similarly, the Revolutionary Proletarian Army-Alex Buncayao Brigade (RPA-ABB) and the Revolutionary Workers' Party of the Philippines issued a joint statement renouncing the use of landmines on ideological grounds.[49]

Restraint may also be driven by interaction with potential victims. In Colombia, rebel groups oftentimes voluntarily marked mine areas or engaged in mine clearance to preserve the communities where they operated. Arguably, genuine interest in protecting civilians from the effects of landmines comes from ethnic and family ties, as well as continued interaction with the communities.[39]

Knowledge and acceptance of IHL may also genuinely lead to restraint on landmine use. Practitioners have found that sustained engagement with NSAGs, in particular through education and awareness of humanitarian norms, constitutes an important step

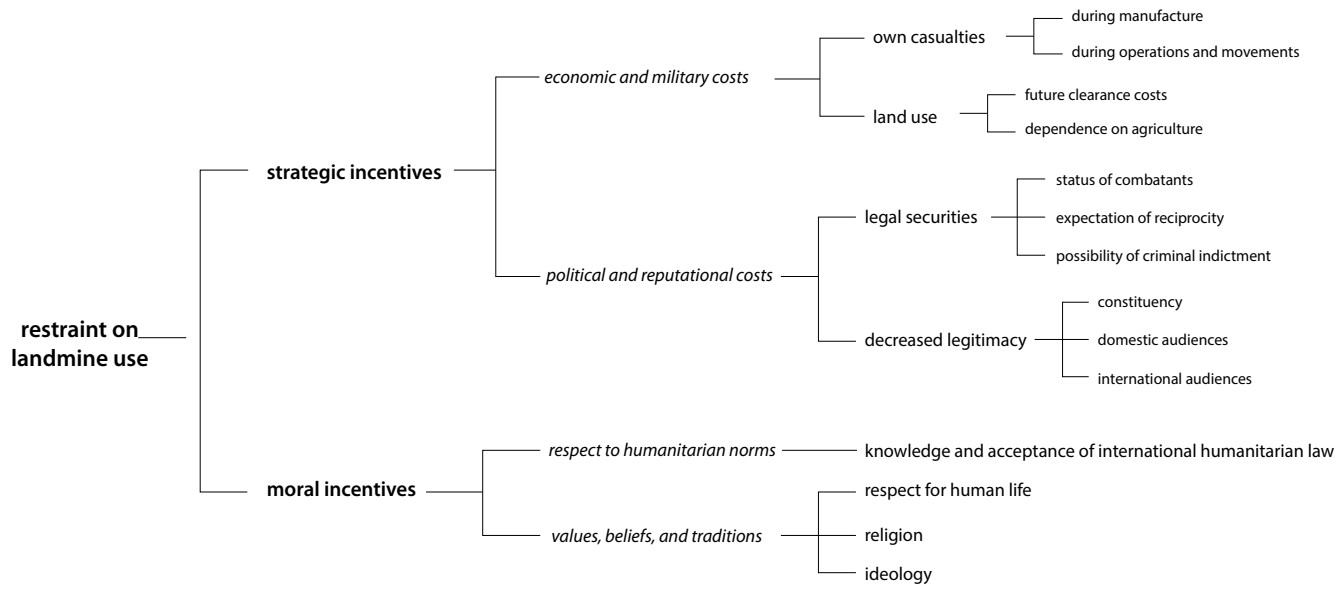

Figure 2. Influencing factors for restraint on landmine use.

towards restraint on landmine use.[50] State and non-state armed actors alike often lack long-term perspective on the humanitarian consequences of their own actions, hence the change in behavior after engaging with human rights and humanitarian norms advocates.[51] In Myanmar, for instance, the Karen National Union, a rebel group and landmine user, agreed to cooperate with mine action organizations after a series of meetings conveying the relevance of international humanitarian law.[50]

FUTURE RESEARCH

In recent years, rebels have been the most prolific users of landmines; however, little has been studied on what drives NSAGs to exercise restraint on landmine use. This study has sought to identify and map possible explanations for this variation. Future research should measure this variable in different conflict contexts and focus on in-depth case studies and process tracing analyses in order to identify the mechanisms at play in each case. Likewise, future propositions should account for interaction effects between the different influencing factors of restraint on landmine use.

Although this article offers no conclusive answer on how to engage rebels in the landmine ban, it has highlighted possible influencing factors leading to restraint. Relevant to policymakers and practitioners, it offers potential entry points and avenues for future dialogue. It remains the task of researchers, policymakers, and practitioners alike to enhance the understanding of rebel motivations to stop using landmines, and, most importantly, act upon them.

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